

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)		
UNITED STATES)		
)		
v.)	Crim. No.	08-CR-10223-PBS
)		09-CR-10262-PBS
ALBERT GONZALEZ,)		09-CR-10382-DPW
)		
Defendant.)		
_____)		

MOTION FOR EXTENSION OF ONE WEEK TO RESPOND TO
PETITION UNDER 28 U.S.C. § 2255

The United States, by its undersigned counsel, moves this Court for a one week extension of time in which to respond to the Petition Under Section 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody filed by Albert Gonzalez (the “Petition”).

On July 6, 2011, the government moved that it be permitted to file its response to Gonzalez’s Petition under 28 U.S.C. §2255 three weeks after his counsel disclosed formerly attorney-client privileged communications as directed by the Courts. In his Petition, Albert Gonzalez put these communications squarely in issue, and by filing his Petition waived his privilege with respect to them. The United States required access to the formerly privileged communications between Gonzalez and his counsel to respond to the Petition.

By electronic orders on July 7, 2011 in 08-CR-10223-PBS and 09-CR-10292, and on August 30, 2011 in 09-CR-10382-DPW, the Courts granted the government’s motion without objection. Disclosure was slowed by Mr. Weinberg’s need to consult with his former client, but was completed by letter dated November 10, 2011. The government’s response is therefore due on December 1, 2011.

The government requests a one week continuance until December 8, 2011 in which to complete its response to the defendant's Petition. No further extension will be necessary or requested.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

Dated: November 30, 2011

By: /s/ Stephen P. Heymann
STEPHEN P. HEYMANN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that a paper copy will be sent to:

Albert Gonzalez, No. 25702-050
FCI Milan
P.O. Box 1000
Milan, Michigan 48160

Dated: November 30, 2011

/s/ Stephen P. Heymann
STEPHEN P. HEYMANN